

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

RONALD W. STONE INDIVIDUALLY,  
AND AS JUDGMENT CREDITOR  
ASSIGNEE AND HOLDER OF  
CERTAIN RIGHTS OF  
CLIFTON MYERS FINANCIAL  
ADVISORY, INC. AND  
CLIFTON MYERS

*Plaintiff,*

V.

NATIONWIDE MUTUAL INSURANCE  
COMPANY D/B/A NATIONWIDE  
INSURANCE, NATIONAL CASUALTY  
COMPANY,

*Defendants.*

CIVIL ACTION NO. 1:21-cv-00960-DAE

**DEFENDANT NATIONWIDE MUTUAL INSURANCE COMPANY’S AND  
DEFENDANT NATIONAL CASUALTY COMPANY’S RESPONSE TO PLAINTIFF’S  
MOTION TO EXTEND SUMMARY JUDGMENT BRIEFING DEADLINES**

Defendants Nationwide Mutual Insurance Company and National Casualty Company (collectively “Defendants”) file this *Response to Plaintiff’s Motion to Extend Summary Judgment Briefing Deadlines*, and in support thereof would respectfully show the Court as follows:

1. Defendants are unopposed to extending the deadline for Plaintiff to respond to the motion for summary judgment. Defendants respond to address the discovery issues raised by Plaintiff in its motion for extension of time.

2. Defendants timely filed a motion for summary judgment on December 16, 2022, which was the deadline for dispositive motions.<sup>1</sup> At 10:04 p.m. the night before that deadline, Plaintiff's

<sup>1</sup> Doc. No. 45, Defendants Nationwide Mutual Insurance Company and National Casualty Company's Motion for Summary Judgment; Doc. No. 26, Joint Proposed Scheduling Order.

counsel sent an e-mail requesting Defendants supplement interrogatory answers.<sup>2</sup> Plaintiff's counsel also vaguely requested production of "several communications" between Nationwide and former defendant in this matter Bennie Smith, and further requested dates for the depositions of two individuals and a corporate representative of National Casualty Company on a total of 18 topics.<sup>3</sup> Many of the 18 requested topics for the corporate representative, from Defendants' perspective, are vague and overbroad and conferral is needed.<sup>4</sup>

3. Defendants contend they previously produced all responsive non-privileged documents and Plaintiff has not identified any specific documents that have not been produced. With regard to interrogatory answers, Defendants submit that the interrogatory answers properly refer to the claim documentation produced by Defendants. Nevertheless, Defendant will supplement its interrogatory answers and will provide last known contact information for any former employees. Defendants also intend to depose Clifton Myers in his individual capacity and as representative of Clifton Myers Financial Advisory, Inc., and the plaintiff Ronald Stone.

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<sup>2</sup> Doc. 47-1, Page 1 of 5, Plaintiff's 12/15/22 Email Correspondence with Defendant.

<sup>3</sup> Doc. 47-1, Page 1, Plaintiff's 12/15/22 Email Correspondence with Defendant.

<sup>4</sup> Doc. 47-1, Pages 2-5, Plaintiff's 12/15/22 Email Correspondence with Defendant.

Respectfully submitted,

/s/ Patrick M. Kemp

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**ATTORNEYS FOR DEFENDANTS  
NATIONWIDE MUTUAL INSURANCE  
COMPANY AND NATIONAL CASUALTY  
COMPANY**

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing instrument has been served electronically via CM/ECF on this the 5<sup>th</sup> day of January, 2023 to:

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/s/ Patrick M. Kemp

Patrick M. Kemp